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UNCLAS SECTION 01 OF 02 QUITO 000254

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [EC](#)

SUBJECT: ECUADOR: PROTESTS GROW, BUT GOVERNMENT STABLE

REF: A. QUITO 236

1B. GUAYAQUIL 132

11. (SBU) Summary: The political scene is heating up again here, as pressure mounts on the government to reverse the overhaul of judicial institutions by the Ecuadorian congress. The opposition is preparing a major protest march in Quito for February 17. President Gutierrez' proposed referendum to select a new court is in trouble with his congressional allies. Former vice president Leon Roldos is gathering signatures for a rival referendum, and some in the leftist opposition are suggesting a compromise with Gutierrez. Though none of these proposals are yet politically viable, we are encouraging the GoE and the opposition toward dialogue and compromise. We continue to support civil society efforts to defend democratic institutions, and have warned the GoE to discard any options which would dissolve the Ecuadorian congress. End Summary.

President's Referendum in Trouble

12. (U) President Gutierrez introduced his proposed referendum to congress on January 21. The ten-question referendum was sent to the Constitutional Affairs committee, with a request that it be declared a matter of national urgency. The referendum includes measures to select a new de-politicized Supreme Court, Supreme Electoral Tribunal, Constitutional Court, and National Electoral Court, through a new electoral college including representation from civil society. If congress agrees, by a simple majority vote, that the president's referendum is a matter of national urgency, a procedural clock would start ticking, which would lead to a binding referendum within 60 days.

13. (SBU) It is unlikely that the president's referendum proposal, at least in its current form, will actually take this route. The opposition is solidly against it, declaring it a hoax and move to extend presidential powers. More seriously for the president, the president's referendum is in trouble within his governing alliance (Ref A).

14. (SBU) Most notably, Abdala Bucaram's PRE and Alvaro Noboa's PRIAN object to further changes in the court. The PRE wishes to use this court to clear its fugitive leader of pending legal charges. The PRIAN, which currently has the judges to block any such move, objects to what it perceives to be the leftist composition of the electoral colleges proposed by Gutierrez. Intense negotiations within the governing alliance are ongoing, and Gutierrez released to the press a letter to his political partners threatening to end the alliance if congress refuses to act on the referendum. Presidential insiders assure us privately that Gutierrez has no such intention. He is, however, considering alternate means to move forward, including proposing a referendum on whether to dissolve congress. We have and will continue to warn the GOE against any such move.

Opposition Rallying Themselves

15. (SBU) On January 26, Guayaquil mayor Jaime Nebot led an anti-government march in Guayaquil, focused on local complaints, which attracted around 70,000 participants (Ref B). The march was deemed a success by opposition and media commentators, despite the announced goal of mustering 200,000 protesters. Civil society and opposition leaders in Quito promptly postponed a Quito anti-government protest scheduled for February 2 to February 17, to attract greater support and permit better planning. Organizers include a civil society umbrella protest group called Civic Convergence for Democracy; the Quito municipality, under mayor Paco Moncayo; and the main political parties of the opposition: the Democratic Left (ID); Pachakutik; and, most recently, the Social Christian Party (PSC). Organizers hope to attract at least 50,000 to a march in colonial Quito starting at 1500 on the 17th. The opposition is being careful to say the march is in defense of Ecuadorian democracy, rather than to overthrow the Gutierrez government. No government-sponsored counter-march has yet been announced, but one is expected.

16. (SBU) Meanwhile, Leon Roldos, a former vice president and the third-place finisher in the presidential contest in 2002, launched his own quixotic attempt to gather a million signatures on his own 4-point referendum proposal. Roldos'

referendum includes the replacement of the current Supreme Court with a new one selected by civil society, as well as other unrelated issues. The constitution prohibits any such initiative from a private citizen, reserving the right to propose constitutional changes for the president only. Roldos has told us he believes that the moral force of a million signatures would compel authorities to permit his referendum to go forward. Many interpret Roldos' campaign to be the opening salvo of his 2006 presidential campaign, which he has not denied.

Room for Compromise?

17. (SBU) Few if any political actors are openly discussing the possibility of compromise over the court issue. Opposition members generally urge the USG to apply international pressure to get Gutierrez to reverse the congressional stacking of the courts. An interesting exception is Andres Vallejo, the Quito municipal council president and an 'eminence gris' in the ID.

18. (SBU) Vallejo told PolChief on January 28 that the ID (and some in the PSC) would be willing to offer President Gutierrez a "guarantee of stability" in exchange for real and immediate de-politicization of the courts. The stability guarantee would permit Gutierrez to abandon his current allies without fear of another impeachment process supported by the main opposition. This scenario would involve the members of the deposed Supreme Court resigning, permitting the selection of new magistrates by existing formulas, or even by the newly-formulated selection procedures incorporated in the president's referendum proposal. Asked if talks were ongoing between the ID and the government along these lines, Vallejo said no. The president would need to come to the opposition to pursue this option.

Comment

19. (SBU) Anti-government Ecuadorians have sought to enlist the USG to resolve their constitutional controversy, in the process demonizing Gutierrez alternately as an inept dolt or a Machiavellian schemer, with Chavez-like pretensions. We have thus far resisted taking the bait, while reiterating the Ambassador's public and private statements of the imperative of political stability and strengthening democratic institutions. We have encouraged Ecuadorians to work together to sort out their own constitutional issues. We have also encouraged the government, opposition and civil society to seek alternatives to strengthen judicial independence. It took some time for these haphazard efforts to get organized, but they now appear to be gathering steam. The February 17 march will showcase the re-activation of the main opposition parties, building on the momentum generated by Nebot's successful Guayaquil march. In response, President Gutierrez has acknowledged mounting pressure for another change in the judiciary, and signaled his willingness to change the court again, through his proposed referendum.

110. (SBU) With the fate of the president's referendum proposal in trouble with his own allies, the Ambassador will encourage Gutierrez and selected members of his team (including presidential secretary Carlos Polit) toward compromise. The first step in this direction would be for Gutierrez to re-open lines of communication with willing elements of the opposition to seek a workable compromise. The Ambassador will also warn again against any further democratic setbacks (i.e. no dissolving congress). Assuming Gutierrez and his team can find a way to resolve the court issue, we see recent anti-government protests more as an opening salvo in the 2006 presidential race than a credible effort to bring down this government.

Kenney